

**9-1-1 ADVISORY COUNCIL
MEETING MINUTES
SPECIAL MEETING: DRAFT LCN911**

June 28, 2016

ATTENDEES: Quinn Ness, DOA/SITSD (for Ron Baldwin); Jenny Stapp, State Library; Shantil Siaperas, MACo; Gary Macdonald, MACo; Tom Butler, DOJ/MHP; Dave Neilsen, MLC&T; Zach Slattery, MT APCO; Kerry O'Connell, PSAPs >30K; Geoff Feiss, MTA

GUESTS: Sonja Nowakowski, Legislative Services; Dan Hawkins, U.S. DHS; Eric Olsen, Zetron; Sandra Barrows, Barrows Consulting; Rhonda Sullivan, DOA/SITSD; Mark Baker, AT&T;

CONFERENCE CALL: Terry Ferestad, AT&T; Rick Musson, MACOP; Peggy Glass, PSAPs <30K; Lisa Kelly, CenturyLink; Greg Megaard, MFCA; Noah Horan, DOA/SITSD

CALL TO ORDER: Quinn Ness, acting chair, called meeting to order at 1:35. Introductions were completed.

Bill Draft LCN911 Review/Discussion: Today's special meeting was scheduled in order to continue the review/discussion of the draft bill (LCN911). The following yellow highlighted areas were specifically reviewed, discussed and/or amendments were made:

*Bill No. LCN911
Amendments Proposed by 9-1-1 Advisory Council
Introduced By*

A Bill for an Act entitled: "An Act generally revising 9-1-1 laws; establishing a 9-1-1 advisory council; establishing 9-1-1 advisory council and department of administration duties for 9-1-1 systems and services; granting the department rulemaking authority; clarifying local government and 9-1-1 district roles; providing definitions; updating terms to include next-generation 9-1-1; revising the allocation of 9-1-1 fees; requiring the department to update the allocation of 9-1-1 fees in accordance with the decennial census; establishing accounts for 9-1-1 distributions; requiring that certain fees collected for 9-1-1 services be reallocated under certain circumstances; establishing a reallocation process; establishing a next-generation 9-1-1 infrastructure account; creating a next-generation 9-1-1 infrastructure grant program; providing criteria to the department of administration for awarding next-generation 9-1-1 infrastructure grants; establishing a 9-1-1 GIS mapping account; requiring the state library to award a contract for a GIS assessment; establishing a statewide 9-1-1 planning account; requiring the department to award a contract to develop a statewide 9-1-1 plan; establishing a private telecommunications provider and local government 9-1-1 grant program; providing priorities and criteria for the 9-1-1 grant program; transferring funds; amending sections 10-4-101, 10-4-103, 10-4-201, 10-4-301, 10-4-302, 10-4-313, and 17-7-502, MCA; repealing sections 10-4-102, 10-4-104, 10-4-111, 10-4-112, 10-4-113, 10-4-114, 10-4-115, 10-4-121, 10-4-125, 10-4-126, 10-4-301, 10-4-302, 10-4-303, 10-4-311, 10-4-312, and 10-4-313, MCA; and providing effective dates and a termination date."

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. 9-1-1 advisory council.** (1) There is a 9-1-1 advisory council.
(2) The council is composed of 17 members appointed by the governor. The members are:

(a) the director of the department or the director's designee, who serves as presiding officer of the council;

(b) a representative of the department of justice, Montana highway patrol;

(c) a representative of the Montana emergency medical services association;

(d) three representatives of Montana telecommunications providers;

(e) a representative of the Montana association of public safety communications officials;

(f) two public safety answering point managers, one serving a population less than 30,000 and one serving a population greater than 30,000;

(g) a representative of the department of military affairs, disaster and emergency services division;

(h) a representative of the Montana association of chiefs of police;

(i) a representative of the Montana sheriffs and peace officers association;

(j) a representative of the Montana state fire chiefs' association;

(k) a representative of the Montana state volunteer firefighters association;

(l) a representative of the Montana association of counties;

(m) a representative of the Montana league of cities and towns; and

(n) the state librarian or the state librarian's designee.

(3) The council is attached to the department for administrative purposes only, as provided in 2-15-121.

(4) The council shall, within its authorized budget, hold quarterly meetings.

(5) Council members shall serve without additional salary but are entitled to reimbursement for travel expenses incurred while engaged in council activities as provided for in 2-18-501 through 2-18-503.

NEW SECTION. **Section 2. 9-1-1 advisory council duties -- consultation by department.** The council shall:

(1) advise the department in its duty to allocate and distribute 9-1-1 fees in accordance with [section 7] and to update the allocation and distribution in accordance with rules adopted pursuant to [section 4(3)];

(2) provide recommendations to the department in determining grants awarded in accordance with [section 8];

(3) advise the department in the development of a statewide 9-1-1 plan; and

(4) advise the department on significant matters concerning 9-1-1 systems development and 9-1-1 services in the state of Montana, including rulemaking.

NEW SECTION. **Section 3. Department duties and powers -- 9-1-1 planning.** (1) There is a 9-1-1 program administered by the department.

(2) The department shall:

(a) allocate and distribute 9-1-1 fees;

(b) update the allocation and distribution of 9-1-1 fees in accordance with [section 7] and rules adopted pursuant to [section 4];

(c) provide grants in accordance with [section 8]. In awarding the grants the department shall review and approve requests for funding in accordance with [section 8].

(d) monitor the expenditure of program funds for:

(i) 9-1-1 purposes by local governments that host public safety answering points; and

(ii) allowable uses of grant funds by entities.

(e) establish a statewide 9-1-1 plan in accordance with subsection (3) and planning completed in accordance with [section 13];

(f) staff and fund the administrative costs of the 9-1-1 advisory council provided for in [section 1]; and

(g) accept federal funds granted by congress or by executive order and gifts, grants, and donations for the purposes of administering this chapter.

(3) A statewide 9-1-1 plan must:

(a) include to the maximum extent feasible the use of existing commercial communications infrastructure;

(b) include 9-1-1 system standards and support efforts to migrate legacy technologies to next-generation 9-1-1 technologies when appropriate, and provide for the implementation of future 9-1-1 technologies. Any standards adopted by the department for legacy 9-1-1 technologies or principles adopted for baseline next-generation 9-1-1 technologies must be:

- (i) flexible and graduated, while ensuring minimum service levels; and
- (ii) based on industry standards.

(4) The department, in fulfilling its duties pursuant to subsection (2), may request necessary information from local governments. If a local government does not comply with the request, the department may withhold funding distributions as provided for in [section 5].

NEW SECTION. Section 4. Rulemaking authority. (1) Before July 1, 2018, the department shall adopt rules to implement the provisions of this chapter. The rules shall include, but are not limited to:

(a) distribution procedures for funding authorized in [section 7(1)];

(b) procedures for grant funding authorized in [section 8]. The rules for grant funding must include, but are not limited to:

- (i) eligibility requirements for entities applying for grants;
- (ii) criteria for awarding grants; and
- (iii) reporting procedures for grant recipients; and

(c) post disbursement activities by the department to monitor the use of funding by entities including:

- (i) reporting requirements; and
- (ii) procedures for repayment of funds expended on activities determined not to meet eligibility requirements.

(2) Before January 1, 2019, the department shall adopt rules including, but not limited to:

(a) technology standards, based on industry standards and a statewide 9-1-1 plan pursuant to [section 13], to ensure public safety answering points meet minimum 9-1-1 services levels; and

(b) baseline next generation 9-1-1 principles to facilitate the appropriate deployment of baseline next generation 9-1-1.

(3) Before January 1, 2022, the department shall adopt rules for the allocation and distribution of funds in the account provided for in [section 6(2)(a)] in accordance with [section 7(2) and (3)] to local government entities that host public safety answering points.

(a) The rules adopted for allocation must be based on the official final decennial census figures and ensure that each local government entity that hosts a public safety answering point receives funding. The allocation must account for:

(i) historic allocations provided to the local government entity that hosts a public safety answering point;

(ii) the population of counties, cities, or other government entities served by the public safety answering point;

(iii) population trends; and

(iv) other factors determined by the department, in consultation with the advisory council, to be critical to the funding allocation.

(b) The department's allocation may not distribute funds in a manner that discourages public safety answering points from consolidating or combining.

(4) The department shall adopt rules in accordance with the Montana Administrative Procedure Act provided for in Title 2, chapter 4, to implement the provisions of this section.

NEW SECTION. Section 5. Local government entities and funding -- department delegation.

(1) After the department determines baseline next-generation 9-1-1 principles in accordance with rules adopted pursuant to [section 4(2)] and a statewide 9-1-1 plan, the department shall delegate implementation to local government entities that host public safety answering points.

(2) If the department through its monitoring process determines that a local government entity that hosts a public safety answering point is not using funds in the manner prescribed in this chapter, or has failed to provide information required by the department, the department may, after notice and hearing, suspend payment to the local government entity. The local government entity is not eligible to receive funds until the department determines that the local government is complying with department requirements or has provided the requested information.

(3) Nothing in this chapter prevents a local government entity that hosts a public safety answering point from exceeding legacy technology standards or baseline next-generation 9-1-1 principles.

NEW SECTION. Section 6. Establishment of 9-1-1 accounts. (1) Beginning July 1, 2018 there is established in the state special revenue fund an account for fees collected for 9-1-1 services pursuant to 10-4-201.

(2) Funds in the account are statutorily appropriated to the department, as provided in 17-7-502. Except as provided in subsection (3), beginning July 1, 2018, funds that are not used for the administration of this chapter by the department are allocated as follows:

(a) 75% of the account must be deposited in an account for distribution to local government entities that host public safety answering points in accordance with [section 7] and rules adopted by the department in accordance with [section 4]; and

(b) 25% of the account must be deposited in an account for distribution in the form of grants to private telecommunications providers, local government entities that host public safety answering points, or both in accordance with [section 8].

(3) Beginning July 1, 2018, all money received by the department of revenue pursuant to 10-4-201 must be paid to the state treasurer for deposit in the appropriate account.

(4) The accounts established in subsections (1) and (2) retain interest earned from the investment of money in the accounts.

NEW SECTION. Section 7. Distribution of 9-1-1 systems account by department. (1) Beginning July 1, 2018, and for each quarter after that until the first quarter of the 2023 fiscal year, the department shall distribute the total quarterly balance of the account provided for in [section 6(2)(a)] as follows:

(a) each local government entity that hosts a public safety answering point shall receive an allocation of the total quarterly balance of the account equal in proportion to the quarterly share received by the local government entity that hosted a public safety answering point during the 2017 fiscal year;

(b) each local government entity that hosts a public safety answering point shall receive an allocation. The allocation may vary from the amount distributed during the 2017 fiscal year based on the amount collected by the department of revenue in accordance with 10-4-201(1)(a).

(2) Beginning July 1, 2022 and in accordance with subsection (3), the department shall allocate and distribute the total quarterly balance of the account provided for in [section 5(2)(a)] based on rules adopted by the department in accordance with [section 4(3)].

(3) Within 1 year after the official final decennial census figures are available, the department shall update the rules establishing the quarterly allocation and distribution provided for in subsection (2) and allocate and distribute the quarterly balance for each quarter after that until the next update.

NEW SECTION. Section 8. 9-1-1 grants. (1) The department shall, in consultation with the advisory council created pursuant to [section 1], award competitive grants annually using the account established pursuant to [section 6(2)(b)] for private telecommunications providers and local government entities that host public safety answering points. Beginning July 1, 2018, grants must be awarded to private telecommunications providers, local government entities that host public safety answering points, or both in accordance with this section and rules adopted by the department in accordance with [section 4].

(2) Except as provided in subsection (3), grants may be awarded to private telecommunications providers and local government entities that host public safety answering points for:

(a) emergency telecommunications systems plans;
(b) project feasibility studies or project plans;
(c) the implementation, operation, and maintenance of 9-1-1 systems, equipment, devices and data; and

(d) the purchase of services that support 9-1-1 systems.

(3) In awarding grants, preference must be given to applications on the following order of priority:

(a) requests by private telecommunications providers or local government entities that host public safety answering points working with a private telecommunications provider; and

(b) requests by local government entities that host public safety answering points.

(4) Nothing in this section prevents a local government entity that hosts a public safety answering point from:

(a) providing grant money received by the local government entity that hosts a public safety answering point in accordance with this section to a private telecommunications provider for 9-1-1 purposes; or

(b) collaborating with another local government on a joint grant application.

NEW SECTION. Section 9. Baseline next-generation 9-1-1 account transfers. (1) After the department makes distributions for the final quarter of the 2017 fiscal year from the wireless enhanced 9-1-1 account, the department shall transfer:

(a) \$5 million into the next-generation 9-1-1 infrastructure account established in accordance with [section 10];

(b) \$80,000 into the 9-1-1 GIS mapping account established in accordance with [section 12]; and

(c) \$350,000 into the statewide 9-1-1 planning account established in accordance with [section 13].

(2) The allocations in subsection (1) may only be used in accordance with [sections 10 through 13].

NEW SECTION. Section 10. Next-generation 9-1-1 infrastructure account created -- source of funding -- use of account. (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the next-generation 9-1-1 infrastructure account.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money in accordance with [section 9(1)(a)] for the purposes of [section 11]; and

(c) a gift, donation, grant, legacy, bequest, or devise made for the purposes of [section 11].

(3) Except as provided in subsection (4), the account may be used only by the department to provide grants for next-generation 9-1-1 infrastructure as provided in [section 11] to a local government working with a private telecommunications providers.

(4) At the end of fiscal year 2019, any unexpended balance in the account must be transferred to the account established by the department in accordance with [section 6(2)(b)].

NEW SECTION. Section 11. Next-generation 9-1-1 infrastructure grants -- criteria -- rulemaking. (1) Money deposited in the next-generation 9-1-1 infrastructure account established in [section 10] may be expended by the department through grants to local governments working with private telecommunications providers for next-generation 9-1-1 infrastructure.

(2) For the purposes of [section 10] and this section:

(a) "ESInet" means an emergency services IP network. It includes the IP infrastructure upon which independent application platforms and core functional processes are deployed.

(b) "IP" means internet protocol or the method by which data are sent on the internet or a communications protocol, for computers connected to a network, especially the internet.

(c) "Next-generation 9-1-1 infrastructure" means a statewide ESInet, upgrades and replacement of existing selective routers with IP routers, and upgrades to all non-IP-capable public safety answering points for IP capability.

(3) In making grant awards under this section, the department shall give preference to local governments working with private telecommunications providers that the local government determines can most effectively implement infrastructure improvements.

(4) The department shall consult with and consider recommendations by the advisory council established in accordance with [section 1] for awards made under this section.

(5) The department may adopt rules to administer the provisions of [section 10] and this section. The rules must ensure that all local governments are treated equitably and must include, but are not limited to, provisions regarding:

- (a) applications;
- (b) timelines;
- (c) eligibility, including proof of eligibility;
- (d) the procedure for establishing the priority of grant awards;
- (e) the appeal process for grant applications that are denied; and
- (f) disbursement of grant money to providers.

(7) Before September 1, 2018, the department shall report to the energy and telecommunications interim committee provided for in 5-5-230 on efforts to distribute grants in accordance with [section 10] and this section.

(8) Before September 1, 2019, the department shall produce a report summarizing the grants provided, how the grant money was spent, and the program data and information reported by grant recipients. The department shall provide the report to the energy and telecommunications interim committee provided for in 5-5-230.

NEW SECTION. **Section 12. 9-1-1 GIS mapping account created -- source of funding -- use of account.** (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the 9-1-1 GIS mapping fund.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money by the department in accordance with [section 9(1)(b)] for use in accordance with subsection (3); and

(c) any gift, donation, grant, legacy, bequest, or devise made for the purposes of subsection (3).

(3) The account may be used only by the state library provided for in 22-1-102 in carrying out its land information and management duties to award a contract in accordance with 18-1-102 to assess the status of GIS adoption and operations in Montana as it pertains to next-generation 9-1-1.

(4) Before September 1, 2018, the state library shall produce a report summarizing the status of GIS adoption and operations in Montana as it pertains to next-generation 9-1-1, including policy and funding recommendations necessary to use GIS to advance next-generation 9-1-1. The state library shall provide the report to the energy and telecommunications interim committee provided for in 5-5-230.

(5) At the end of fiscal year 2019, any unexpended balance in the account must be transferred to the account established by the department in accordance with [section 6(2)(b)].

NEW SECTION. **Section 13. Statewide 9-1-1 planning account created -- source of funding -- use of account.** (1) There is an account in the state special revenue fund established by 17-2-102 to be known as the statewide 9-1-1 planning account.

(2) There must be deposited in the account:

(a) money received from legislative allocations;

(b) a transfer of money in accordance with [section 9(1)(c)] for use in accordance with subsections (3) through (5); and

(c) any gift, donation, grant, legacy, bequest, or devise made for the purposes of subsections (3) through (5).

(3) The account may be used only by the department to award a contract in accordance with 18-1-102 and after consulting with the 9-1-1 advisory council created in accordance with [section 1] to develop a statewide 9-1-1 plan.

(4) A statewide 9-1-1 plan must include proposed:

(a) priorities for 9-1-1 systems in Montana and plans for next-generation 9-1-1 technology deployment;

(b) potential formulas and methods to distribute 9-1-1 money;

(c) uniform standards relating to technology, next-generation 9-1-1 technology, and administration and operation of 9-1-1 systems in Montana;

(d) steps to promote collaboration among local governments and greater incentives for cooperation among local governments and public safety answering points to improve efficiency by developing interconnectivity of 9-1-1 systems through partnerships for enhancement, operation, and maintenance of the network;

(e) eligible uses for money received by local governments in accordance with this chapter;

(f) audits or other steps necessary to ensure program compliance from entities receiving disbursements in accordance with this chapter;

(g) necessary plans to include to the maximum extent feasible the use of existing commercial communications infrastructure; and

(h) additional changes needed to this chapter to migrate legacy 9-1-1 systems and to accommodate evolving, future 9-1-1 technologies.

(5) Before September 1, 2018, the 9-1-1 advisory council shall review the proposals and make its recommendations to the department on implementing the recommendations.

(6) At the end of fiscal year 2019, any unexpended balance shall be transferred to the account established by the department in accordance with [section 6(2)(b)].

It should be noted that section 14 – 28 of the draft bill were not specifically reviewed, discussed and/or amendments were not made. Therefore, sections 14 – 28 of the draft bill were not included in these meeting minutes.

MOTION: Gary Macdonald moved to adopt the June 16th meeting amendments as well as the proposed amendments from today; to be provided to Legislative Energy and Telecommunications Interim Committee. Kerry O’Connell seconded, and the motion carried.

Discussion ensued about the ongoing planning for NG911 and that funding sources and taxation need to be strategically reviewed and planned including the possibility of obtaining fees from prepaid wireless entities.

PUBLIC COMMENT: None.

Next Meeting/Adjourn: The next meeting is July 21st at the state capitol, Room 152.